

**BEFORE THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA**

In the Matter of

Application of Budget PrePay, Inc.
d/b/a Budget Phone for Designation as a Non-
Rural Wireless Eligible Telecommunications
Carrier

DOCKET NO. 2011-294-C

PETITION TO RELINQUISH LIFELINE-ONLY ETC DESIGNATION

Budget PrePay, Inc.¹ (“Budget”), by counsel, respectfully petitions the Commission for relinquishment of its designation as a non-rural, Lifeline-only wireless Eligible Telecommunications Carrier (“ETC”). The Telecommunications Act of 1996 provides that the Commission “shall permit [Budget] to relinquish its [ETC] designation...in any area served by more than one [ETC].”² Each area in which Budget seeks to relinquish its Lifeline-only ETC designation is served by an incumbent local exchange provider (“ILEC”) that is designated as an ETC, and most of those areas are also served by at least one other provider that is designated as an ETC, including multiple wireless carriers. To the best of Budget’s knowledge, existing facilities of the remaining ETCs are sufficient to ensure that all Lifeline customers served by Budget will continue to be served upon the relinquishment of its ETC designation.

In support of this Petition, Budget respectfully avers:

¹ On December 4, 2012, the Commission authorized Budget PrePay, Inc. d/b/a Budget Phone to utilize “Budget Mobile” as an additional trade name for its telecommunications services provided in South Carolina. *See* Order Approving Modification to Company Name, Docket No. 2011-294-C; Order No. 2012-904.

² 47 U.S.C. § 214(e)(4)(emphasis added). *See also* 47 C.F.R. § 54.205.

1. Budget provides wireless Lifeline telecommunications services to consumers in South Carolina through the resale of Commercial Mobile Radio Services (“CMRS”) provided by multiple nationwide CMRS carriers.

2. By Order dated September 27, 2012, the Commission granted Budget’s request for designation as a non-rural wireless ETC for the limited purpose of offering Lifeline service to qualified households in South Carolina. In the Matter of Application of Budget Prepay, Inc. d/b/a Budget Phone for Designation as a Non-Rural Wireless Eligible Telecommunications Carrier, Docket No. 2011-294-C, Order No. 2012-724 (the “Order”), dated September 27, 2012. Budget hereby seeks to relinquish its ETC Designation and to discontinue its provision of wireless services in South Carolina due to changes in the wireless industry and recent modifications to the federal Lifeline program.

3. Budget is an ETC in South Carolina authorized to receive support from the federal Lifeline program in all of the non-rural wire centers in South Carolina.

4. Following relinquishment of Budget’s ETC designation, each of the wire centers located within Budget’s ETC designated service area in South Carolina will continue to be served by at least one ILEC ETC and multiple wireless ETCs, including TracFone Wireless d/b/a SafeLink Wireless, Sprint d/b/a Assurance Wireless, i-wireless and Boomerang Wireless.

5. In pertinent part, the Telecommunications Act of 1996 provides that:

A State commission ... ***shall permit an eligible telecommunications carrier to relinquish its designation as such a carrier in any area served by more than one eligible telecommunications carrier.*** An eligible telecommunications carrier that seeks to relinquish its eligible telecommunications carrier designation for an area served by more than one eligible telecommunications carrier shall give advance notice to the State commission ... of such relinquishment. Prior to permitting a telecommunications carrier designated as an eligible telecommunications carrier to cease providing universal service in an area served by more than one eligible telecommunications carrier,

the State commission ... shall require the remaining eligible telecommunications carrier or carriers to ensure that all customers served by the relinquishing carrier will continue to be served, and shall require sufficient notice to permit the purchase or construction of adequate facilities by any remaining eligible telecommunications carrier.³

6. The relevant FCC rule essentially reiterates the same requirements and states, in pertinent part, that a “state commission shall permit” an ETC to “relinquish its designation as such a carrier in any area served by more than one [ETC].”⁴ The FCC rule further provides that the ETC “shall give advance notice to the state commission of such relinquishment,” the state commission must ensure that the relinquishing ETC’s customers will be served by the remaining ETC(s), and the state commission must ensure sufficient notice to permit the purchase and construction of facilities if necessary.⁵

7. Because at least one other ETC serves all areas in which Budget is currently designated as a Lifeline-only ETC, applicable federal law requires the Commission to permit Budget to relinquish its Lifeline-only ETC designation.

8. Further, no purchase or construction of facilities by any remaining ETC is necessary because existing facilities are sufficient to ensure that all customers served by Budget will continue to be served. Accordingly, “notice to permit the purchase or construction of adequate facilities by any remaining [ETC]” is neither necessary nor appropriate.

9. No later than May 5, 2017, Budget will send written notice by text message (which is the customary and, in Budget’s experience, the most effective form of customer

³ 47 U.S.C. § 214(e)(4) (emphasis added).

⁴ 47 C.F.R. § 54.205(a).

⁵ *Id.*, § 54.205(a) and (b).

communication) to affected customers, notifying them that Budget will cease providing the services they currently receive, effective June 5, 2017.

Budget Mobile will cease service on 6-05-2017. Contact another Lifeline carrier authorized by the SC PSC.

**A list of other Lifeline carriers is available at:
<http://www.regulatorystaff.sc.gov/telecommunications/lifeline/>**

**For more information, call 888-777-4007 or visit
<http://www.budgetmobile.com>.**

All subscribers will receive written notice at least thirty (30) days in advance of June 5, 2017, which provides the subscribers ample time to find a new service provider in a thoughtful and informed manner. The notice clearly underscores that the subscriber must make arrangements with another carrier to avoid loss of service and provides a toll-free telephone number that customers may call to reach Budget's customer service representatives for assistance with this transition.

10. In order to avoid confusion and assist with a smooth transition process, Budget will immediately stop accepting new Lifeline applications, stop adding new Lifeline customers and will inform potential Lifeline customers of the pendency of this Petition. This approach is consistent with the approach relinquishing wireless ETCs have been allowed to take in many other jurisdictions.⁶

⁶ See Order, *In re: Application of Cricket Communications, LLC for a Commission Order Granting Relinquishment of its Designation as a Lifeline-Only Eligible Telecommunications Carrier*, Case No. 2015-00135, Kentucky Public Service Commission (May 14, 2015); Order Granting Petition for Relinquishment of Eligible Telecommunications Carrier Designation, *In re: Petition of Cricket Communications, Inc. for Designation as an Eligible Telecommunications Carrier*, Order No. 02 in Docket UT-111534, Washington State Utilities and Transportation Commission (February 26, 2015); Order Cancelling Eligible Telecommunications Carrier Designation, *In re Petition of Cricket Communications, Inc. for Relinquishment of Eligible Telecommunications Carrier Status*, Docket No. 15-CRCZ-296-ETC, State Corporation Commission of Kansas (February 10, 2015); Order of the Commission, *In re Verified Petition of Cricket Communications, Inc. for Relinquishment of its Designation as an Eligible Telecommunications Carrier*, Case No. 41052 ETC 57, Indiana Utility Regulatory Commission (February 4, 2015); Order, *Cricket Communications, Inc. Petition to Relinquish its Designation as an*

11. Budget seeks to relinquish its Lifeline-only ETC designation effective June 5, 2017. Budget, therefore, requests that the Commission issue an order granting this petition as soon as possible.

12. Budget will satisfy any applicable regulatory requirements (e.g. South Carolina Universal Service Fund, South Carolina gross receipts assessment) that accrue during the time period during which Budget was designated as an ETC, but which may be assessed after Budget's ETC designation has been relinquished.

CONCLUSION

Budget respectfully requests that the Commission issue an order as soon as possible granting relinquishment of Budget's Lifeline-only ETC designation, effective June 5, 2017.

Respectfully submitted,

s/John J. Pringle, Jr.
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April 18, 2017

Eligible Telecommunications Carrier Under 47 U.S.C. § 214(e)(2), Docket No. 14-0635, Illinois Commerce Commission (January 6, 2015); Order, In Re Petition of Cincinnati Bell Wireless, LLC for Relinquishment of Eligible Telecommunications Carrier Designation, Case No. 2014-00140 at 2 (May 16, 2014); Application of Sprint Nextel Corporation to Relinquish Its Designation as an Eligible Telecommunications Carrier, Texas PUC Docket No. 40543, Staff Memo at 2 (July 25, 2012) ("Ms. Kimberly Scardino, Deputy Division Chief, the FCC TAPD, stated in an email to Staff dated July 24, 2012, that Staff's requirement that no new Lifeline customers be enrolled in Sprint Nextel's Lifeline plan after the 90-day notices have been sent does not conflict with Federal ETC requirements."); Telecommunications Carriers Eligible for Support, Federal-State Joint Board on Universal Service, WC Docket No. 09-197, CC Docket No. 96-45, 27 FCC Rcd 14215 (WCB, November 16, 2012 (approving Verizon Wireless's ETC relinquishment notice, which also informed the Commission that it would cease enrolling new Lifeline customers prior to its relinquishment date). See also Cricket Notice of Relinquishment of Eligible Telecommunications Carrier Designations, WC Docket No. 09-197, CC Docket No. 96-45, filed with the FCC on October 14, 2014.

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on behalf of Budget PrePay, Inc. d/b/a Budget Mobile (“Budget”), has caused Budget’s Petition to Relinquish Lifeline-only ETC Designation, in Docket 2011-294-C, to be served via email upon the following:

Nanette Edwards
Deputy Executive Director
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s/John J. Pringle, Jr.

April 18, 2017